



STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

October 17, 2003

-- SPONSORING A STATEWIDE INITIATIVE OR REFERENDUM PETITION --

The following provides information on launching a petition drive to amend the state constitution, initiate new legislation, amend existing legislation or subject newly enacted legislation to a referendum vote.

Petition Format

Michigan election law, MCL 168.544d, grants the Secretary of State the authority to prescribe a petition form for the countywide circulation of initiative and referendum petitions. MCL 168.544d further provides that the prescribed form must be in substantial compliance with MCL 168.544c and MCL 168.482 -- two additional provisions of Michigan election law which address the formatting of petitions.

As a service to those interested in launching an initiative or referendum petition drive, the Michigan Department of State's Bureau of Elections offers its staff for consultations on the various petition formatting requirements. Upon determining through the consultation process that an initiative or referendum petition is properly formatted, it is submitted to the Board of State Canvassers for approval as to form. While Michigan election law does not require the pre-approval of an initiative or referendum petition form, such approval greatly reduces the risk that signatures collected on the form will be ruled invalid due to formatting defects.

It merits emphasis that the Board approval process does *not* include a review of the language of the proposed initiative or referendum. We therefore encourage initiative and referendum sponsors to seek legal counsel to arrange this aspect of the petition form.

Under Board of State Canvassers' policy, a "[Printer's Affidavit](#)" must accompany an initiative or referendum petition submitted for Board approval. The petition sponsor is responsible for having the affidavit completed.

A description of the [prescribed initiative and referendum petition format](#) is available through the Michigan Department of State's Bureau of Elections.

Filing Deadline and Signature Requirements

Upcoming deadlines for filing an initiative or referendum petition and the minimum number of signatures required on the petitions are listed below. (MCL 168.471; Art. II, Sec. 9, of State Constitution; Art. XII, Sec. 2, of State Constitution)

<u>TYPE OF PETITION</u>	<u>FILING DEADLINE</u>	<u>SIGNATURE REQUIREMENT</u>
Initiative to create new or amend existing legislation	May 26, 2004	254,206
Initiative to amend the State Constitution	July 5, 2004	317,757
Referendum on legislation	90 days following the final adjournment of the legislative session at which the law was enacted.	158,879

The number of signatures gathered on an initiative or referendum petition should be significantly greater than the minimum number required as invalid signatures are eliminated through a verification process which involves a random sample of the submitted signatures. The sponsors of initiative and referendum petitions are permitted to make one signature submission only; Michigan election law, MCL 168.475(2), prohibits the submission of supplemental signatures after the submission of the initial filing.

Circulation Period

Michigan election law, MCL 168.472a, states, “It shall be rebuttably presumed that the signature on a petition that proposes an amendment to the constitution or is to initiate legislation, is stale and void if it was made more than 180 days before the petition was filed with the office of the secretary of state.” Given this provision, signatures more than 180 days old on the date an initiative petition is filed are not counted unless shown to be valid by the proponents of the initiative. Information on the procedure for rebutting the presumption of signature invalidity provided under MCL 168.472a is available through the Michigan Department of State’s Bureau of Elections.

A referendum petition can be circulated from the date the law involved is enacted by the legislature to the filing deadline imposed under Art. II, Sec. 9, of the State Constitution (90 days following the final adjournment of the legislative session at which the law was enacted).

Filing Location

Statewide initiative and referendum petitions are filed with the Michigan Department of State’s Bureau of Elections, 208 North Capitol Avenue, Lansing, Michigan 48933. (**Please note:** The Bureau of Elections will be relocating to the Treasury Building, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918 in March 2004. If you plan to file after March 1, 2004, please contact the Bureau at (517) 373-2540 to confirm the appropriate filing location.)

Disposition of Proposal

INITIATIVE TO CREATE NEW OR AMEND EXISTING LEGISLATION: If the petition is determined to contain a sufficient number of valid signatures by the Board of State Canvassers, the state legislature has 40 session days to adopt or reject the proposal. Art. 2, Sec. 9, of the State Constitution provides: “If the law so proposed is not enacted by the legislature within the 40 days, the state officer authorized by law shall submit such proposed law to the people for approval or rejection at the next general election. The legislature may reject any measure so proposed by initiative petition and propose a different measure upon the same subject by a yea and nay vote upon separate roll calls, and in such event both measures shall be submitted by such state officer to the electors for approval or rejection at the next general election.”

A majority vote determines whether the legislative initiative and/or any alternative proposal placed on the ballot goes into effect. The state constitution further provides: “... If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.”

INITIATIVE TO AMEND THE STATE CONSTITUTION: If the petition is determined to contain a sufficient number of valid signatures by the Board of State Canvassers, the proposed amendment is placed on the next general election ballot for the consideration of the state’s voters. A majority vote determines whether the proposed constitutional amendment goes into effect. (Art. XII, Sec. 2, of State Constitution)

REFERENDUM ON LEGISLATION: If the petition is determined to contain a sufficient number of valid signatures by the Board of State Canvassers, the implementation of the law involved is suspended pending the placement of the law on the next general election ballot for the consideration of the state’s voters. A majority vote determines whether the law goes into effect. (MCL 168.477(2))

Law Available

A copy of the compiled Michigan election law may be obtained for \$7.50 from the Department of State’s Bureau of Elections. Please make your check or money order payable to the “State of Michigan.” The Michigan election law can also be accessed through the website maintained by the Michigan State Legislature www.michiganlegislature.org.

Questions?

If you have any questions, please do not hesitate to contact the following office:

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